

E-FILED: 06-29-06

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 3960 Howard Hughes Pkwy., 9th Floor
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 Attorneys for the Official Committee of Holders of Executory
 Contract Rights through USA Commercial Mortgage Company

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
 BK-S-06-10725-LBR
 BK-S-06-10726-LBR
 BK-S-06-10727-LBR
 BK-S-06-10728-LBR
 BK-S-06-10729-LBR

JOINTLY ADMINISTERED
 Chapter 11

**NOTICE OF ENTRY OF
 ORDER
 DENYING MOTION TO
 REMOVE FERTITTA
 ENTERPRISES, INC. AS
 MEMBER OF OFFICIAL
 COMMITTEE OF
 HOLDERS OF
 EXECUTORY CONTRACT
 RIGHTS**

Date: June 21, 2006
 Time: 9:30 a.m.

PLEASE TAKE NOTICE that an Order Denying Motion to Remove Fertitta Enterprises,

1 Inc. as Member of Official Committee of Holders of Executory Contract Rights, a copy of which
2 is attached hereto, was entered in the above-captioned matter on the ____ day of June, 2006.

3 DATED this 29 day of June, 2006.

4 GORDON & SILVER, LTD.

5 By:



6 GERALD M. GORDON, ESQ.

GREGORY E. GARMAN, ESQ.

7 BRIGID M. HIGGINS, ESQ.

3960 Howard Hughes Pkwy., 9th Floor

8 Las Vegas, Nevada 89109

9 Attorneys for the Official Committee of Holders of
Executory Contract Rights through USA Commercial
10 Mortgage Company



Entered on Docket
June 29, 2006

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

JOINTLY ADMINISTERED
Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

**ORDER
DENYING MOTION TO
REMOVE FERTITTA
ENTERPRISES, INC. AS
MEMBER OF OFFICIAL
COMMITTEE OF
HOLDERS OF
EXECUTORY CONTRACT
RIGHTS**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: June 21, 2006

Time: 9:30 a.m.

Debtors' Motion to Remove Fertitta Enterprises, Inc. as Member of Official Committee of Holders of Executory Contract Rights ("Motion") having come on for hearing before the above-captioned Court on June 21, 2006, at 9:00 a.m., Gerald M. Gordon of the law firm Gordon & Silver, Ltd., having appeared on behalf of Gordon & Silver, Ltd., and all other appearances having been noted in the record, the Court having reviewed the Motion and supporting pleadings, and having considered the testimony elicited at the hearing, statements of counsel and the pleadings filed in opposition to the Motion, and for good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is Denied.

PREPARED AND SUBMITTED:

GORDON & SILVER, LTD.

By: 

GERALD M. GORDON, ESQ.

GREGORY R. GARMAN, ESQ.

KONRAD PILAYOWITZ, ESQ.

Attorneys for the Official Committee of Holders of Executory
Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

SCHWARTZER & McPHERSON
LAWFIRM

By: _____

Lenard E. Schwartzer, Esq.
Attorneys for Debtors

APPROVED/DISAPPROVED:

STUTMAN, TREISTER & GLATT, P.C.

By: _____

Frank A. Merola, Esq.

Eve H. Karasik, Esq.

Christine M. Pajak, Esq.

Attorney for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: June 21, 2006
Time: 9:30 a.m.

Debtors' Motion to Remove Fortitta Enterprises, Inc. as Member of Official Committee of Holders of Executory Contract Rights ("Motion") having come on for hearing before the above-captioned Court on June 21, 2006, at 9:00 a.m., Gerald M. Gordon of the law firm Gordon & Silver, Ltd., having appeared on behalf of Gordon & Silver, Ltd., and all other appearances having been noted in the record, the Court having reviewed the Motion and supporting pleadings, and having considered the testimony elicited at the hearing, statements of counsel and the pleadings filed in opposition to the Motion, and for good cause appearing therefor;

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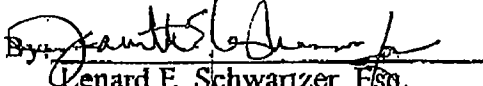
By: 

GERALD M. GORDON, ESQ.
GREGORY R. GARMAN, ESQ.
KONRAD PILAYOWITZ, ESQ.

Attorneys for the Official Committee of Holders of Executory
Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

SCHWARTZER & McPHERSON
LAWFIRM

By: 
Leonard E. Schwarzer, Esq.
Attorneys for Debtors

APPROVED/DISAPPROVED:

STUTMAN, TREISTER & GLATT, P.C.

By: 

Frank A. Merola, Esq.
Eve H. Karasik, Esq.
Christine M. Pajak, Esq.

Attorney for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC

Affects:

- ☐ All Debtors
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IT IS HEREBY ORDERED that the Motion is Denied.

PREPARED AND SUBMITTED:

GORDON & SILVER, LTD.

By: 

GERALD M. GORDON, ESQ.

GREGORY R. GARMAN, ESQ.

KONRAD PILAYOWITZ, ESQ.

Attorneys for the Official Committee of Holders of Executory Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

SCHWARTZER & McPHERSON
LAWFIRM

By: 

Lenard E. Schwarzer, Esq.
Attorneys for Debtors

APPROVED/DISAPPROVED:

STUTMAN, TREISTER & GLATT, P.C.

By: 

Frank A. Merola, Esq.

Eve H. Karasik, Esq.

Christine M. Pajak, Esq.

Attorney for the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC

06/22/2006 14:48 FAX

005/006

APPROVED/DISAPPROVED:

Office of the United States Trustee

By: _____
August Landis, Esq.
Scott Farrow, Esq.**APPROVED/DISAPPROVED:**

LEWIS AND ROCA, LLP

By: Rob Charles
Rob Charles, Esq.
Susan M. Freeman, Esq.
Counsel for Official Committee of Unsecured
Creditors of USA Commercial Mortgage Company**APPROVED/DISAPPROVED:**ORRICK, HERRINGTON &
SUTCLIFFE, LLPBy: _____
Marc A. Levinson, Esq.
Lynn Trinka Emce, Esq.
Counsel for the Official Committee of
Equity Security Holders of USA
Capital Diversified Trust Deed Fund,
LLC

06/22/2006 14:46 FAX

005/006

APPROVED/DISAPPROVED:

Office of the United States Trustee

By: _____
August Landis, Esq.
Scott Farrow, Esq.

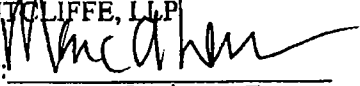
APPROVED/DISAPPROVED:

LEWIS AND ROCA, LLP

By: _____
Rob Charles, Esq.
Susan M. Freeman, Esq.
Counsel for Official Committee of Unsecured
Creditors of USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

ORRICK, HERRINGTON &
SUTCLIFFE, LLP

By: 
Marc A. Levinson, Esq.
Lynn Trinka Ernce, Esq.
Counsel for the Official Committee of
Equity Security Holders of USA
Capital Diversified Trust Deed Fund,
LLC

1 **APPROVED/DISAPPROVED:**

2 Office of the United States Trustee

3
4 By: [Signature]
5 August Landis, Esq.
6 Scott Farrow, Esq.

APPROVED/DISAPPROVED:

LEWIS AND ROCA, LLP

By: [Signature]
Rob Charles, Esq.
Susan M. Freeman, Esq.
Counsel for Official Committee of Unsecured
Creditors of USA Commercial Mortgage Company

7 **APPROVED/DISAPPROVED:**

8 ORRICK, HERRINGTON &
9 SUTCLIFFE, LLP

By: [Signature]
10 Marc A. Levinson, Esq.
11 Lynn Trinko Ernce, Esq.
12 Counsel for the Official Committee of
13 Equity Security Holders of USA
14 Capital Diversified Trust Deed Fund,
15 LLC
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